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3/17/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bauer, et al.)
Application Number: 10/083,446)
Filed: February 26, 2002)
Group Art Unit: 1647)
Examiner: Robert S. Landsman)
For: METHOD OF EX-VIVO EXPANSION)
OF HEMATOPOIETIC CELLS USING)
INTERLEUKIN-3 MUTANT)
POLYPEPTIDES WITH OTHER)
HEMATOPOIETIC GROWTH FACTORS)

CERTIFICATE OF MAILING
I hereby certify that this document is being deposited with the U.S. Postal Service, Express Mail service under 37 C.F.R. 1.10 and is addressed to: Commissioner for Patents, Washington, DC 20231.
<i>Robert Paiz</i>
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Commissioner for Patents
Washington, DC 20231

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RESPONSE TO OFFICE ACTION MAILED JANUARY 29, 2003

This is a response to the restriction requirement set forth in the Office Action mailed January 29, 2003.

Restriction has been required to one of the following groups:

- I. Claim 55 and 60-61, 63-65 in part, drawn to cultures stem cells obtained in the presence of the IL-3 of SEQ ID NO:1, classified in class 435, subclass 325.
- II. Claim 56 and 60-61, 63-65 in part, drawn to cultured stem cells obtained in the presence of the IL-3 of SEQ ID NO:4, classified in class 435, subclass 325.
- III. Claim 57 and 60-61, 63-65 in part, drawn to cultured stem cells obtained in the presence of the IL-3 of SEQ ID NO:7, classified in class 435, subclass 325.
- IV. Claim 58 and 60-61, 63-65 in part, drawn to cultured stem cells obtained in the presence of the IL-3 of SEQ ID NO:8, classified in class 435, subclass 325.

- V. Claim 59 and 60-61, 63-65 in part, drawn to cultured stem cells obtained in the presence of the IL-3 of SEQ ID NO:9-48, classified in class 435, subclass 325.

In addition, if Applicants elect Group V, they are required to elect one SEQ ID NO (SEQ ID NO: 9-48) to be searched.

Applicants elect, with traverse, to prosecute the subject matter of Group V as found in Claims 59 and 60-61, 63-65. As further required, Applicants elect with traverse SEQ ID NO: 32 to be searched.

Applicants elect with traverse because examination of the five groups simultaneously does not impose an undue burden of examination on the Examiner. Applicants submit that it would not put an undue burden on the Examiner to search Groups I through V at the same time.

If restriction requirement is made final, applicants reserve the right to continue prosecution of non-elected Groups I through IV in one or more continuing applications.

Respectfully submitted,

Date: February 28, 2003

By: Carol M. Nielsen
Carol M. Nielsen
Registration No. 37,676

Gardere Wynne Sewell LLP
1000 Louisiana, Suite 3400
Houston, Texas 77002-5007
713-276-5383 phone
713-276-5555 fax
cnielsen@gardere.com

Attorney Docket No. 126181-1038

3-3 03

4M 1647



TRANSMITTAL LETTER (General - Patent Pending)

Docket No.
126181-1038

In Reply, Please Refer to:

Bauer, et al.

Serial No.
10/083,446

Filing Date
February 26, 2002

Examiner
Robert S. Landsman

Group Art Unit
1647

Title:

METHOD OF EX-VIVO EXPANSION OF HEMATOPOIETIC CELLS USING INTERLEUKIN-3
MUTANT POLYPEPTIDES WITH OTHER HEMATOPOIETIC GROWTH FACTORS

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith are the following documents:

1. Response to Office Action Mailed January 29, 2003;
2. Change of Correspondence Address; and
3. Acknowledgment Postcard.

☒ No additional fee is required.

☐ A check in the amount of _____ is attached.

☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 07-0153 as described below. A duplicate copy of this sheet is enclosed.

☐ Charge the amount of _____

☒ Credit any overpayment.

☒ Charge any additional fee required.

Carol M. Nielsen

CAROL M. NIELSEN
Gardere Wynne Sewell LLP
1000 Louisiana, Suite 3400
Houston, Texas 77002-5007
713-276-5383 phone
713-276-5555 fax
cnielsen@gardere.com

Reg. No. 37,676

Date: February 28, 2003

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